

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1, 3-8, and 10-11 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 2 and 9 are canceled.

Claims 1 and 3-11 were objected to because the term “voice recognition” is used rather than the term “speech recognition.” In response, Applicant has amended the claims to use the term “speech recognition” as required by the Examiner. Accordingly, Applicant believes this objection has been overcome.

Claims 1-11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Edatsune (U.S. Patent 5,802,488). However, in the present invention, the growth state is “determined at least in part on the basis of a camera input.” (Claims 1, 10, and 11) Specifically, transitions between the nodes corresponding to the growth state are determined by conditions met at least in part by the output of the camera 8. (Specification page 14, lines 4-14) Whereas, Edatsune’s response content level is determined by either elapsed time or the number or types of recognized

phrases. (Column 12, Lines 13-22) Edatsune does not disclose a camera being used in determining a growth state as required in the present invention. In addition, the present “robot determines and performs a predetermined action in accordance with the speech recognized by said speech recognition means and an occurrence probability of the predetermined action as determined by the growth state.” (Claims 1, 10 and 11) In other words, the physical reaction of the robot to a recognized speech is based on the maturity level of the robot. This is achieved by assigned occurrence probabilities to various activities based on the current growth state. This feature is described in the specification at page 20, lines 13-24. Whereas, at the location cited by the Examiner, Edatsune only describes a verbal response in relation to the growth state and does not discuss an occurrence probability as required by the present invention. Accordingly, for at least these reasons, Edatsune fails to anticipate the present invention and the rejected claims should now be allowed.

Claims 1 and 10-11 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 10-11 of co-pending U.S. Patent application 09/723,813. Applicant submits concurrently herewith a terminal disclaimer to overcome these rejections. In light of this submission, Applicant respectfully requests that this rejection be withdrawn and the rejected claims be allowed.

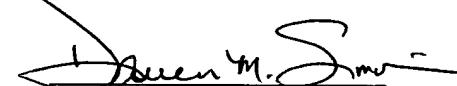
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

A statutory disclaimer fee is required for the filing of this amendment. No additional fees are anticipated, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:



Darren M. Simon
Reg. No. 47,946
(212) 588-0800